

## **REMARKS**

### **Entry of Amendment**

Applicants are amending the specification to correct minor translation errors therein. It is respectfully submitted that no new matter is being added. Therefore, as this amendment does not touch on the merits of the application, it is respectfully requested that it be entered in accordance with 37 CFR 1.116.

### **Submission of English Translation**

Applicants are submitting herewith a verified English translation of the priority document, Japanese patent application 2002-217248 filed on July 25, 2002. The present application was filed on July 13, 2003 and claims the benefit under 35 USC §119 of Japanese patent application 2002-217248 filed on July 25, 2002.

Applicants will now address each of the Examiner's objections and rejections in the order in which they appear in the Final Rejection.

### **Priority**

In the Final Rejection, the Examiner states that "Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55." As Applicants are filing a verified English translation of the priority document herewith, it is respectfully requested that this objection be withdrawn, and Applicants be allowed to reply upon the foreign priority date for this application.

### Claim Rejections - 35 USC §102

The Examiner also continues to reject Claims 1-6 and 25-30 under 35 USC §102(e) as being anticipated by Yamazaki et al. (US 2003/0162314). This rejection is respectfully traversed.

As previously explained, Applicants respectfully submit that Yamazaki '314 is not prior art to the present application. Yamazaki '314 was published on August 28, 2003 based on an application filed in the U.S. on February 24, 2003.

In contrast, the present application was filed in the U.S. on July 17, 2003 and claims the benefit under 35 USC §119 to Japanese application no. 2002-217248 filed on July 25, 2002 in Japan. A certified copy of this Japanese priority application was filed in the present application with the filing of the application on July 17, 2003 and the verified English translation of this Japanese priority document is being filed herewith. Therefore, Applicants can claim the benefit of the July 25, 2002 priority date, in accordance with 35 USC §119.

As this priority date is prior to the U.S. filing date of Yamazaki '314, Yamazaki '314 is not prior art under 35 USC §102(e) to the present application. Accordingly, it is respectfully requested that this rejection be withdrawn.

### Claim Rejections - 35 USC §103

The Examiner also continues to have the following rejections under 35 USC §103:

- A. Claims 7-18 are rejected as being unpatentable over Yamazaki et al.'314.
- B. Claims 19-24 are rejected as being unpatentable over Yamazaki et al. '314 in view of Yamagata et al. (US Publ. 2002/00110940).
- C. Claims 31-36 are rejected as being unpatentable over Yamazaki et al. '314 in view of Yamazaki et al. (US 6,815,723).

These rejections are also respectfully traversed.

In particular, as explained above, Yamazaki '314 is not prior art to Claims 1-30 of the present application.

In addition, Yamazaki '314, which can only qualify as prior art under 102(e), cannot preclude patentability under 35 USC §103(c), as Yamazaki '314 and the claimed invention were, at the time the claimed invention was made, subject to an obligation of assignment to the same person (i.e. Semiconductor Energy Laboratory Co., Ltd.). Hence, the rejections of Claims 7-36 is not permitted under 35 USC §103(c).

Accordingly, it is respectfully requested that this rejection be withdrawn.

#### Conclusion

Accordingly, it is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee is due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,



Mark J. Murphy

Registration No. 34,225

COOK, ALEX, MCFARRON, MANZO,  
CUMMINGS & MEHLER, LTD.  
200 West Adams Street - Ste. 2850  
Chicago, IL 60606  
(312) 236-8500  
Customer no. 000026568